

Judge James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR05-0316JLR
)	
Plaintiff,)	
)	ORDER CONTINUING TRIAL
v.)	
)	
LUAL HABTAI,)	
)	
Defendant.)	
_____)		

The Court having conducted a hearing on January 4, 2006, concerning scheduling in this case at which Government counsel, LUAL HABTAI, and HABTAI's counsel, Jesse Cantor, all were present:

THE COURT FINDS that, on November 23, 2005, HABTAI entered a guilty plea to a charge of Possession of Cocaine Base, in violation of 21 U.S.C. §844(a);

THE COURT FURTHER FINDS that HABTAI subsequently sought to withdraw that plea;

THE COURT FURTHER FINDS that the Court held a hearing on December 21, 2005, at which the Court permitted HABTAI to withdraw his plea of guilty and permitted HABTAI's then-counsel, Michael Martin, to withdraw from the case;

THE COURT FURTHER FINDS that the Court subsequently appointed Jesse Cantor to serve as counsel for HABTAI;

THE COURT FURTHER FINDS that Jesse Cantor represented at the hearing on January 4, 2006, that he requires at least 60 days to investigate this case and to prepare for trial;

1 THE COURT FURTHER FINDS that allowing Jesse Cantor that much time is
2 necessary to allow him adequate time to investigate and effectively to prepare for trial;

3 THE COURT FURTHER FINDS that Government counsel, Jesse Cantor, and
4 the Court all are available to try this case on March 21, 2006;

5 THE COURT FURTHER FINDS that HABTAI orally waived his right at the
6 hearing on January 4, 2006, to have a trial prior to March 21, 2006; and

7 THE COURT FURTHER FINDS, pursuant to 18 U.S.C. § 3161(h)(8)(A), that
8 the ends of justice served by continuing the trial in this case until March 21, 2006,
9 outweigh the interest of the public and of the defendant in a more speedy trial.

10 IT IS THEREFORE ORDERED that the trial in this case shall be continued until
11 March 21, 2006, and that the period of time from December 21, 2005, up to and
12 including March 21, 2006, shall be excludable time under 18 U.S.C. § 3161(h)(8)(A);
13 and

14 IT IS FURTHER ORDERED that the deadline for filing pretrial motions in this
15 case shall be February 21, 2006, and that responses to motions shall be due February
16 28, 2006.

17 DONE this 9th day of January, 2006.

18 s/James L. Robart

19 JAMES L. ROBART
20 United States District Judge

21 Presented by:

22 s/Andrew C. Friedman

23 ANDREW C. FRIEDMAN
24 Assistant United States Attorney

25 s/Todd Greenberg

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